

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF
WARRENTON HELD ON JULY 8, 2003**

The regular meeting of the Council of the Town of Warrenton was held on July 8, 2003 in the Town Council Chambers.

The following Councilmembers were present: George B. Fitch, Mayor, Councilmen David A. Norden, Birge S. Watkins, Stephen L. Athey, Robert L. Walker, Robert W. Rice, Samuel B. Tarr and John S. Lewis; and Kenneth L. McLawhon, Town Manager, James P. Fisher, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Mayor called the meeting to order and invocation was given by Councilman Robert L. Walker.

CITIZENS TIME.

Ms. Josine Hitchcock.

Ms. Hitchcock stepped forward to note that the Historic District benefited from the Architectural Review Board and the members had spent a considerable amount of time researching and abiding by the guidelines. She requested that the Council support their decisions.

Mr. Duane Putnam.

Mr. Putnam indicated his deep concerns for the remarks of ARB members John Albertella and Bill Jackson. He noted that as far as Mr. Albertella's comment, Town functions were not an appropriate place for him to espouse his religious beliefs. He stated that Mr. Albertella indicated that the ARB is required to follow the ordinance guidelines, but that in federal documents he had read on the subject, guidelines are not part of the local ordinance and are not mandatory. He commented that the federal government recognizes that cost is relevant in considering renovations.

He indicated that Mr. Jackson's remarks concerning the church were unnecessary and that the ARB members must be held to higher standards than most since they were members of a board.

Mr. Putnam called for removal of John Albertella and Bill Jackson from the ARB membership.

Ms. Lawrie Parker.

Ms. Parker thanked the Council for support of the Piedmont Dispute Resolution Center in the current budget.

Mr. John Albertella.

Mr. Albertella noted that there was a low-interest fund available to those members of the Historic District for repairs. Mr. Albertella stated that he regretted that any remarks he had made concerning the Baptist Church were taken as offensive.

Ms. Dawn Arota.

Ms. Arota, Woods of Warrenton resident, 7583 Bald Eagle Drive, stated that she had read in the newspaper that excess water and sewer funds could be used for the recreation center. She stated that she would like to see the money better spent and that excess money that comes from water and sewer availability fees should be spent fiscally responsibly and used to pay off existing Town debt or paying off bonds.

Mr. Tarr asked if Ms. Arota was aware that the recreational facility would be available for use by all Fauquier County.

The Mayor noted that there was an item on the agenda whereby the water and sewer bonds would be retired.

Mr. Walter Hitchcock.

Mr. Hitchcock, Culpeper Street resident, noted that the first members of the Architectural Review Board were landscape architect, Meade Palmer, and Nat Neblett, architect with the National Trust for Historic Preservation, and when it was time to reappoint them they were not because they were too strict. He noted being too strict should not be a criteria for barring those members from serving, since those persons are necessary to make some of the hard decisions. He urged Town Council support of the ARB, through clear guidelines and thorough enforcement by building inspectors. He stated that the historic district map needed to be posted on the Town website. He stated it may be necessary for the Town to hire a consultant to support the ARB decisions.

Modification of the Town Council Agenda

The Mayor noted he wished to modify the agenda to add a presentation and summary report by Ms. Cheryl Shepherd after the public hearing.

PUBLIC HEARINGS.

Special Use Permit #03-04. A request for an exemption of the Blalock Cycle property (170 Lee Highway) to allow construction of a storage building in the 100 year floodplain. The property is in the CL Commercial Limited District and the bulk of the parcel and existing structures/storage is located in the floodplain.

The Mayor opened the public hearing at 7:30 p.m. and called upon the planning director to give his report.

Mr. Mothersead stated that the request was for addition of a storage facility at 170 Lee Highway on property owned by Henry and Barbara Blalock. He noted that currently a significant amount of material and equipment is stored in a front fenced storage area and made numerous attempts to arrange for a storage facility in the rear, which is located in the floodplain. He indicated that the plan was to install a 2100 square feet building behind the cycle shop which is in the floodplain but it would be a building elevated to allow flood waters to flow through it.

He stated that the Planning Commission had reviewed the application and recommended approval with the conditions which include minimum separation from the adjacent showroom in accordance with the building codes, design of the storage structure that is being certified by an engineer in accordance with the standards for flood design, that the storage building be designed to allow the flow of flood water through the building to avoid displacement of flooding and any increase in downstream flood elevations, no materials or equipment should be stored in the building that are buoyant, flammable, explosive or subject to damage from flooding, and the remainder of the property shall be approved in accordance with site review regulations of the ordinance. He indicated that the Planning Commission unanimously approved the request.

Mr. Lewis noted that he would like the wording stricken indicating "subject to damage from flooding." The Planning Director noted that the wording was taken from the Code provisions.

Mr. Tarr asked if the project eliminated the problem presented when the tractor trailer blocks the highway trying to unload and Mr. Mothersead noted that there would not be room in the back of the property but would allow them to maneuver in the front off of the public right of way.

Mr. Rice asked if the applicant would be able to obtain flood insurance on the equipment to be stored in the building. Mr. Blalock responded that he would not have a debt on the building and it was not felt that the building would be damaged by flooding. He stated that the insurance company was aware that the equipment would be stored in the building and there was no problem.

Mr. Rice asked what the underground storage tank was used for and Mr. Blalock indicated that it was used for waste oil drained from vehicles.

The Mayor called for citizens to speak in favor of the request.

Mr. Henry Blalock.

Mr. Blalock noted that the Planning Director had outlined the application well and he only needed to add that the floor would be raised eighteen inches higher than the floor in the store and he felt there would not be any water problem. He stated relocation of the storage would improve the looks and provide 40 percent more parking.

Ms. Dawn Arota.

Ms. Arota felt that the change would improve the appearance of the building and questioned if the ATVs and motorcycles would have fuel in the tanks when stored. Mr. Blalock noted that they come from the factory without fuel in the tanks.

The Mayor called for citizens to speak for or against the application. Since there were no citizens wishing to speak, the Mayor closed the public hearing at 7:40 p.m.

On a motion by Mr. Watkins, seconded by Mr. Lewis, the Council voted 7-0 (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis) for approval of special use permit # 2003-04.

NEW ARCHITECTURAL REVIEW BOARD GUIDELINES CONSULTANT, CHERYL SHEPHERD, OVERVIEW/ PRESENTATION/REMARKS

Ms. Shepherd briefed Council on the proposed, revised historic district guidelines.

The Mayor noted that a worksession would be held and Council would ask questions at the appropriate time.

CONSENT AGENDA.

- a. Approval of the Council minutes of the regular meeting held on June 10, 2003.
- b. Financial statement and staff reports and Board and Commission minutes.
 - (1) Financial statement for period ending June 30, 2003.
 - (2) June statement of accounts paid.
 - (3) Miscellaneous staff reports.

- c. Minutes of the Planning Commission meeting held on March 19, 2003 and May 21, 2003 and Architectural Review Board meetings held on February 25, 2003, March 25, 2003 and April 22, 2003.
- d. Bond Reduction – Carriage House Chase Phase II, Section 3 Public Improvements Bond to \$135,154.00 (33.6%) from \$402,667.50 original; utilities and storm water management facilities complete, erosion and sediment control and site work retained.

On a motion by Mr. Lewis, seconded by Mr. Tarr, the consent agenda was approved on a vote of 7-0 (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

NEW BUSINESS.

Ordinance 2003-6, An Ordinance Updating and Amending Chapter 10, "Motor Vehicles and Traffic," Section 10-2 Entitled "Adoption of State Laws" of the Code of the Town of Warrenton to Incorporate Changes in State Law Effective July 1, 2003 and Subsequent Changes. James Fisher, Town Attorney.

The Town Attorney noted that Ordinance 2003-6 amending the Town Code to incorporate all changes made by the General Assembly. On a motion by Mr. Tarr, seconded by Mr. Lewis, Ordinance 2003-6 was adopted on a vote of 7-0 (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

UNFINISHED BUSINESS.

Consideration of a Resolution Authorizing the Redemption of the \$6,500,000 General Obligation Refunding Bonds, Series of 1993, Issued by the Town of Warrenton, Virginia.

The Mayor noted that the following resolution was presented for consideration:

RESOLUTION AUTHORIZING THE REDEMPTION OF THE \$6,500,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES OF 1993, ISSUED BY THE TOWN OF WARRENTON, VIRGINIA

WHEREAS, on April 29, 1993, the Town of Warrenton, Virginia (the "Town"), issued its \$6,500,000 General Obligation Refunding Bonds, Series of 1993 (the "1993 Bonds"), \$3,375,000 principal amount of which is outstanding; and

WHEREAS, the Town desires to redeem the 1993 Bonds maturing on September 1, 2004 through 2008 (the "Bonds"), with available funds of the Town;

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF WARRENTON, VIRGINIA:

1. Redemption of Bonds. Sun Trust Bank, as registrar and paying agent for the 1993 Bonds (the "Paying Agent"), is hereby authorized and directed to redeem the Bonds on September 1, 2003. The Finance Director of the Town is authorized to pay to the Paying Agent, from available funds of the Town (a) the outstanding principal of the Bonds in the amount of \$2,775,000, (b) redemption premium on the Bonds in the amount of \$55,100, and (c) unpaid accrued interest, if any, on the Bonds to September 1, 2003. The Finance Director is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and redemption of the Bonds.

2. Notice of Redemption of Bonds. The Town specifically and irrevocably calls the Bonds for redemption on September 1, 2003. The Paying Agent is irrevocably authorized and directed to cause, and it agrees to cause, notice of the call for redemption, in substantially the form of Exhibit A attached hereto, to be

sent to the registered owners of the Bonds by registered or certified mail not less than 30 days nor more than 60 days prior to September 1, 2003.

The cost of sending such notice shall be borne by the Town. The Paying Agent shall send a copy of such notice to the Town concurrently with the sending of such notice to the registered owners of the Bonds.

3. Notice of Paying Agent. The Town Manager is hereby authorized and directed to provide a copy of this Resolution, including Exhibit A hereto, to the Paying Agent so that the Paying Agent may carry out the purposes of this Resolution.

4. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

5. Effective Date. This Resolution shall take effect immediately.

The undersigned Town Clerk of the Town of Warrenton, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Council held on the 8th day of July, 2003, and of the whole thereof so far as applicable to the matter referred to in such extract.

On a motion by Mr. Rice, seconded by Mr. Lewis, the resolution was adopted on a 7-0 Council vote (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis).

REPORTS AND COMMUNICATIONS.

Report from Town Attorney.

The Town Attorney noted that he had no report.

Report from the Finance Committee.

Mr. Watkins, Chairman, noted that there was no report.

Report from the Police Committee.

Mr. Athey, Chairman, indicated there was no report to present.

Report from the Public Works Committee.

Mr. Rice, Chairman, noted that there was no report.

Report from the Utility Committee.

The Chairman, Mr. Norden, stated there was no report.

Report from the Airport Committee.

Mr. Lewis noted there was no report to be given.

Report from the Planning District 9 Representative.

Mr. Lewis noted that there was no report.

Report from the Transportation Safety Commission.

Mr. Watkins indicated that there was no report to present.

Report from the Economic Development Advisory Committee representative.

Mr. Lewis stated there was no report.

Report from the Recreation Committee.

Mr. Athey indicated that there was a meeting with the architect at their site scheduled for July 18.

Report from Joint Communications Board representative.

There was no report.

Report from Liaison Committee representative.

Mr. Norden noted that there was no report.

Report from the Town Manager.

The Manager noted that he had distributed the following quarterly report to the governing body.

July 8, 2003

MEMORANDUM

*TO: George Fitch, Mayor
Members of Town Council*

*FROM: Kenneth L. McLawhon
Town Manager*

SUBJECT: Quarterly Report

Gentlemen,

During the last quarter we saw substantial progress in several project related areas as illustrated below:

- 1) The Town of Warrenton's Comprehensive Financial Audit was presented to the governing body. One final modification or requested addition to the report ("1099 element") is being completed.*
- 2) The Town of Warrenton awarded its architectural, planning, operational costing and engineering contract to the firm of Grimm and Parker, for the purpose of bringing the recreation complex to fruition. Several meetings have been held and a progress meeting is scheduled for July 18.*
- 3) Both the Cedar Run and the Oliver City projects are also progressing nicely.*

4) *The Zoning/Subdivision Ordinance worksessions held to date have been constructive and Mr. Herd's work is progressing via these meetings.*

5) *The Town of Warrenton's Architectural Review Guideline project will be moving toward a joint worksession with the Architectural Review Board and Town Council at 5:30 p.m.*

6) *You may also wish to note that the Town has added seven evaluation instruments to our performance review process. These were developed in order to supplement the proceeding two forms. Mr. Roger Scott of Springsted has worked with us to ensure the integrity of the rating and merit system as previously put in place (0 to 7%). In addition to these new forms, the finance/human resources director is also charged with the responsibility of ensuring that all adequate documentation is provided. Any score in excess of "350" will be required to be fully justified and reviewed by myself as well. This will be done in advance of processing the material to ensure that both justification and documentation are sufficient.*

Annual Post Council Retreat or Overview.

Under the Council's "top priority category" found in the strategic plan, all five critical annotations have now been addressed or are substantially underway.

- The "budget and financial policy" work plan and comprehensive audit have all been substantially completed and presented to the governing body. 1099 information and the related test or elements will be provided in the near future as will the final version of the investment policy for adoption by this governing body (to include report formats).*
- Zoning/Subdivision ordinances/tools and Historic District Review Guidelines now being updating (as noted above).*
- "Utility Policies" have now been set as a result of the Whitman-Requardt capacity and related capital improvement analysis. The associated utility rate study has also been adopted.*
- Master planning for the recreation complex is now in the second phase as the first "concept plan phase" has been completed by Earth Design. The next level of work being undertaken by Grimm & Parker is moving toward the next milestone meeting as noted above.*
- The Visitor Center building plans have been developed, archeological requirements met, and building-related bids will be sought in the near future.*
- Several other high priority items such as consideration of a "highway overlay district" are being rolled into the aforementioned land use ordinance update project.*
- "Tourism development strategies" should be further developed in concert with the county as should the planning of our border strategy. The County Administrator and I have met on the subject and have a meeting pending with our planning director. Several staff level related meetings have also been held on these two subjects and more will be developed in concert with County staff and related stakeholders (to include Greenbelt related concerns or plans).*

Under the Management Agenda portion of our strategic document, please note the following as well:

- The sewer collection rehab project at Cedar Run, the water treatment plant's pilot program and wastewater plant improvement projects are beyond the drawing board and in the implementation phase.*

- A “draft” traffic flow and analysis document has been prepared by Mr. Dick Keller and presented to the County’s planning staff for further discussion and feedback. Mr. Keller will be attending a worksession to further highlight and underscore the highlights of the plan at both the Town and County levels.
- Lastly, the Town is working with Mr. Marshall Bailey to further develop the “balanced scoreboard/business plan” paradigm or model as successfully used in the County. This component or project will be back on track in the next fortnight (Mr. Marshall’s wife was terminally ill and passed away in the last several weeks, thus the agreed upon delay).

A host of other work-related items have come to conclusion since last July’s worksession/organizational meeting and many projects as predominately noted in the “policy calendar” have either been accomplished or are well on their way.

All of the foregoing progress demonstrates that “the work plan” as noted in the Town’s Executive Strategic Plan Summary has been useful. I think everyone will agree we have had a very successful post strategic planning period. The recreation complex project, the visitor center and a number of other capital projects such as the water plant pilot program/generator project and the wastewater treatment plant’s odor control program will be keeping the Town’s staff busy during the next quarter.

COUNCILMEMBERS’ TIME.

CLOSED SESSION - Section 2.2-3711(A) (1) for the purposes of discussing an ARB appointee member’s performance.

On a motion by Mr. Lewis, seconded by Mr. Norden, and a Council vote of 7-0 (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis), the general session was adjourned and the closed session convened.

On a motion by Mr. Lewis, seconded by Mr. Norden, and a Council vote of 7-0 (for: Norden, Watkins, Athey, Walker, Rice, Tarr, Lewis), the closed general session was reconvened. PROPER CERTIFICATION IS FILED.

On a motion by Mr. Athey, seconded by Mr. Tarr, Council voted 7-0 to accept the resignation of Mr. William Jackson from the Architectural Review Board.

There being no further business, the meeting adjourned at 8:35 p.m.

Evelyn J. Weimer, Town Recorder